

**AMENDMENT AFTER FINAL
EXPEDITED PROCEDURE
ART UNIT 1636**

PATENT
Attorney Docket No.: VOSS1110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Breier et al. Art Unit: 1636
Application No.: 09/445,201 Examiner: S.S. Pappu
Filed: April 12, 2000
Title: REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION
OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN
VIVO AND USES THEREOF

Box AF
Commissioner for Patents
Washington, DC 20231

TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application please find:

1. Supplemental Amendment After Final Under 37 C.F.R. § 1.116, including Exhibit "A" (8 pages);
2. Petition for Two (2) Months Extension of Time (2 pages);
3. Check No. 528045 in the amount of \$205.00; and
4. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on January 23, 2003, in an envelope addressed to: Box AF, Commissioner for Patents, Washington, D.C. 20231

Karen LePari
Karen LePari

Gray Cary/GT/6331233.1
105032-159058

In re Application of:

Breier et al.

Application No.: 09/445,201

Filed: April 12, 2000

Page 2

PATENT

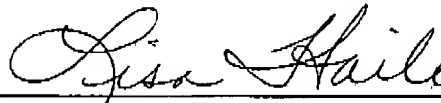
Attorney Docket No.: VOSS1110

The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Small Entity Rate	Large Entity Rate	Calculations
Total Claims	11	60	0	x \$09	x \$18	\$.00
Independent Claims	1	3	0	x \$42	x \$84	\$.00
Multiple Claims	-	-		\$140	\$280	\$.00
Basic Filing Fee				\$370	\$740	\$.00
					TOTAL FEE	\$.00

Enclosed is Check No. 528045 in the amount of \$205.00 for the Two (2) Month extension of time fee. The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: January 23, 2003

Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1100

San Diego, CA 92121-2133

USPTO Customer Number 28213

PATENT
Attorney Docket No.: VOSS1110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Breier, <i>et al.</i>	Art Unit:	1633
Application No.:	09/445,201	Examiner	Sullivan, Daniel M.
Filed:	April 12, 2000		
Title:	REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN VTVO AND USES THEREOF		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 -1450

STATEMENT REGARDING MAILING OF RESPONSE

Sir:

The attached documents, as well as a postcard (see copy transmitted herewith) and a check for \$205.00 (See copy transmitted herewith) were sent to the U.S. Patent and Trademark Office (Box AF, Commissioner for Patents, Washington, D.C., 20231) on January 23, 2003. This fact is evidenced by the Certificate of Mailing as first class mail on all of the documents including the Transmittal Sheet, the Supplemental Amendment, and the Petition for Extension of Time. Furthermore, the postcard indicates the mailing date as January 23, 2003. It is our standard business practice that a Certificate of Mailing for first class mail of a document is signed and dated on the date the document is deposited with the U.S. Postal Service.

CERTIFICATION UNDER 37 CFR §1.6(d)	
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below	
<u>Karen LeParl</u>	
(Name of person transmitting paper)	
<u>Karen LeParl</u>	<u>6-05-03</u>
(Signature)	(Date)

Gray Cary/GT\6351493.1
105032-159058

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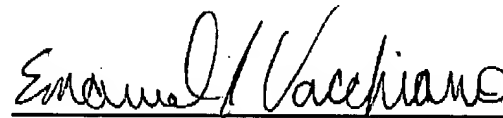
In re Application of
Breier et al.
Application No.: 09/445,201
Filed: April 12, 2000
Page 2

PATENT
Attorney Docket No.: VOSS1110

In view of the above remarks, entry of the Supplemental Amendment and reconsideration and favorable action on all claims is respectfully requested. Should any questions remain in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved. Please charge any fees, including the two month extension of time fee, \$205.00, if necessary, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: June 5, 2003



Emanuel J. Vacchiano, J.D., Ph.D.

Reg. No. 43,964

Attorney for Applicant

Telephone: (858) 638-6754

Facsimile: (858) 677-1465

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OJ 858-638-6754
FJ 858-677-1465

FAX TRANSMISSION COVER SHEET**June 5, 2003**

<u>To:</u>	<u>Telephone:</u>	<u>Fax Number:</u>
Examiner Daniel M. Sullivan USPTO, Art Unit 1636	(703) 305-4448	(703) 746-9105

From: Emanuel J. Vacchiano, J.D., Ph.D. Client-Matter Number: 105032-159058
(858) 638-6754

Re: United States Patent Application No. 09/445,201
Entitled: REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION
OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN
VIVO AND USES THEREOF
Filed: April 12, 2000
Inventors: Breier et al.
Our Ref.: VOSS1110

Pages: - 18 - (including this form) Originals: ☒ will not be mailed

If there is a problem with this transmission, please call (858) 638-6729 / Karen LePari

Message:

Examiner Sullivan,

Please find Transmittal Sheet; Statement Regarding Mailing of Response; Copy of Supplemental Amendment; Copy of Petition for Ext. of Time; Copy of Check #528045 and Copy of Return Postcard for the above-referenced matter. We appreciate your consideration of this matter.

CONFIDENTIALITY NOTICE

This communication is ONLY for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly PROHIBITED. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you.

(Form Rev. 6/5/00)

Gray Cary\GT\6350718.1
105032-159058

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Attorney Docket No.: VOSS1110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Breier et al. Art Unit: 1636
Application No.: 09/445,201 Examiner: Sullivan, Daniel M.
Filed: April 12, 2000
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VIVO AND USES THEREOF

Commissioner for Patents
ATTN: Examiner Daniel M. Sullivan
P.O. Box 1450
Alexandria, VA 22313-1450

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2. Copy of Transmittal Sheet mailed January 23, 2003 (2 pages);
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CERTIFICATION UNDER 37 CFR §1.6(d)

I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below

Karen LePari
(Name of person transmitting paper)

Karen LePari 6-05-03
(Signature) (Date)

Gray Cary/GT\6351523.1
105032-159058

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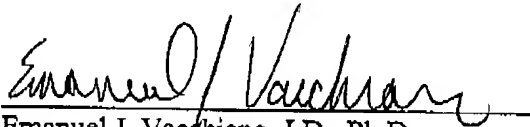
In re Application of:
Breier et al.
Application No.: 09/445,201
Filed: April 12, 2000
Page 2

PATENT
Attorney Docket No.: VOSS1110

The Commissioner is hereby authorized to charge the amount of \$205.00 for the Two (2) Month extension of time fee any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355.

Respectfully submitted,

Date: June 5, 2003


Emanuel J. Vacchiano, J.D., Ph.D.
Registration No. 43,964
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105032-159058

Received from < > at 6/5/03 6:36:05 PM [Eastern Daylight Time]

PATENT ATTORNEY DOCKET NO.: VOSS1110

The Patent and Trademark Office date stamp sets forth the receipt date of:

Applicant: Breier et al.

Filing Date: April 12, 2000

Serial No.: 09/445,201

Title: REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION OF A
HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN VIVO AND
USES THEREOFSUPPLEMENTAL RESPONSE TO FINAL / ADVISORY ACTION

- ☒ Transmittal Letter (2 pgs.-in duplicate)
☒ Supplemental Response to Final Office Action, including Exhibit "A" (8 pages)
☒ Petition for Two (2) Months Extension of Time (2 pgs.-in duplicate)
☒ Check No.: 528045 in the amount of \$205.00
☒ Return Receipt Postcard

Atty/Sec Initials: LAH/EJV/kdl

Client Name: 105032-159058

Date Mailed: 01/23/03

Date Due: 01/23/03

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GRAY CARY WARE & FREIDENRICH
 401 B STREET, SUITE 2000
 SAN DIEGO, CA 92101-4240

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Jeffrey M. Th...
Susan Plum...
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EXPLANATION OF ADDITIONAL SECURITY FEATURES INDICATED ON REVERSE SIDE

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